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## Committee on Economic, Social and Cultural Rights

**Fifty-ninth session**

**Summary record of the 58th meeting**

Held at the Palais des Nations, Geneva, on Friday, 23 September 2016, at 10 a.m.

*Chair:* Mr. Zerbini Ribeiro Leão (Vice-Chair)

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*Third periodic report of Tunisia* (continued)

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*The meeting was called to order at 10.10 a.m.*

**Consideration of reports** (*continued*)

**(a) Consideration of reports submitted by States parties in accordance with articles 16 and 17 of the Covenant** (*continued*)

*Third periodic report of Tunisia* (continued) (E/C.12/TUN/3; E/C.12/TUN/Q/3 and Add.1)

1. *At the invitation of the Chair, the delegation of Tunisia took places at the Committee table.*

2. **Mr. Khalfa** (Tunisia) said that his country had been among the first 20 States to ratify the Convention on the Rights of Persons with Disabilities and had submitted its initial report under the Convention in April 2011. A national law on the rights of persons with disabilities, in force since 1981, had been amended in 2005 and 2016. Under that law, caring for such persons was the responsibility of the nation as a whole, to be carried out through cooperation between the State, civil society organizations and persons with disabilities themselves. The Constitution also provided for persons with disabilities to be protected from any form of discrimination.

3. A number of steps had been taken to favour the economic integration of that category of the population, including a legislative amendment whereby the proportion of persons with disabilities working in public sector institutions had been increased from 1 to 2 per cent. In cooperation with the European Union (EU), work had begun in 2007 to remove barriers in the physical environment and facilitate access to public structures, including public transport, for persons with disabilities. Under a law passed in 2016, Tunisia had ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

4. **Ms. Sebai** (Tunisia) said that the bill to combat violence against women, which had been approved by the Council of Ministers in July 2016, had four principal aspects. They were: prevention, with ministries being required to submit plans on how they intended to prevent violence against women; punishment, with amendments to certain articles of the Criminal Code; protection, via the introduction of measures whereby violent husbands could be separated from their wives by court order; and support, with the creation of a number of new institutions including special police units to tackle cases of violence against women.

5. **Ms. Bouzouech** (Tunisia) said that a certain number of social housing units were being constructed each year. In 2016, it was planned to build 4,500 units. Social housing, which was intended for persons who earned less than three times the minimum wage and who did not have a home of their own, was free for certain categories such as veterans of the revolution or of the struggle against terrorism. Other tenants were expected to pay, but rents and conditions were highly favourable. The Government had set up a commission to address any financial or administrative difficulties that might arise in that regard.

6. The supply of potable water was an important part of national development plans. By the end of 2015, 100 per cent of the population in urban areas and 92 per cent in rural areas were supplied with drinking water. Although there was still some variance between different areas of the country, due also to climatic conditions and geographical factors, those figures should be compared with an average of just 40 per cent in rural areas in 1999. Contingency plans had been set up in places where water was scarce, and it was hoped to increase the proportion to 97 per cent by 2020.

7. **Mr. El Dine Haj** (Tunisia) said that his country had attached great importance to education ever since independence. Schooling was free and obligatory up to the age of 16 years. The issue of school dropout, which affected Tunisia as it did many other nations of the world, was taken very seriously and the authorities had adopted various strategies and policies to combat it, including a specific national plan of the Ministry of Education. A technical committee had been formed, which brought together representatives from government and civil society and which followed up on recommendations made by national and regional meetings on the issue of school dropout. At the same time, a system had been created to monitor emerging trends that could lead to pupils giving up on their schooling, and the Ministry sought to activate the role of civil society and to intervene promptly and effectively to resolve family issues that might also have a bearing on children abandoning their education.

8. The Ministry of Education worked to ensure that educational institutions remained open to their social and cultural milieu and, with the Ministry of Social Affairs, to reach out to pupils from poor families. Awareness-raising programmes were being conducted to sensitize the public to the dangers of early school dropout. Thanks to a national campaign under the title "Schools Recover their Children", it had been possible to reintegrate 15,000 pupils who had previously abandoned the education system.

9. A number of measures had been taken to promote the quality of education, including the introduction of university-level teacher-training courses throughout the country, to which 3,000 high school graduates had been admitted, and in-service training for existing teachers and others involved in the educational process. Quality education was one of the main pillars of the educational reform strategy of the Ministry of Education for the period 2016-2020.

10. The right to education was universally guaranteed under the Constitution. Private education did, of course, have an economic dimension but there was nothing to indicate that it was a discriminatory factor. In fact, success was by no means confined to those from wealthier social classes, and the vast majority of students admitted to top universities came from the public sector. Nonetheless, the Ministry had commissioned studies to ensure that it did not become a problem in the future.

11. According to law, anyone holding a baccalaureate or a recognized equivalent qualification had the right to accede to free higher education. As a way of enabling people to exercise their right to higher education without discrimination, a non-centralization policy had been adopted and Tunisia currently had 13 universities distributed throughout the country. Women made up 64 per cent of university students. They were offered university accommodation for a period of three years, which was the time it normally took to obtain a bachelor's degree, and longer if they went on to study for a master's degree or a doctorate. Grants and bursaries were available for students from families of limited economic resources.

12. Under the Constitution and the law, the State was required to ensure the quality of higher education and, despite increasing numbers of students, every effort was made to fulfil that obligation by means of an integrated quality control system. An independent public accreditation institution had been set up for evaluating and guaranteeing the quality of teaching, while teaching staff and inspectors underwent special formation and "train the trainer" courses were run in cooperation with such institutions as the Institut français and the British Council. Other initiatives to improve the quality of university teaching and to build capacities in response to national, regional and global needs were being financed with support from the International Bank for Reconstruction and Development (IBRD).

13. IBRD was also funding a plan to boost the employability of university graduates. At the same time, a national committee for the reform of higher education was examining early

education, from preschool to secondary school, with a view to improving the standard of university entrants and hence the quality of university education and the employability of graduates. Moves were afoot to strengthen the relationship between universities and the surrounding economic environment. Legislation had been enacted to promote partnership between the public and private sector, and one of the goals of the educational reform strategy of the Ministry of Education for the period 2016-2020 was to make universities more open to the social and economic context and to adapt courses and qualification to the needs of the job market.

14. Students enrolled in private universities in Tunisia, whose numbers did not exceed 30,000, represented less than 10 per cent of all university students in the country. The private system of higher education was required by law to offer the same quality and standard of education as the public system. Currently, the two systems were regulated by separate laws but, as part of the ongoing programme of educational reform, they were due to be fused into a single piece of legislation.

15. **Ms. Sebai** (Tunisia) said that, in the area of preschool education, the Government had drawn up a bill on kindergartens and nurseries; reopened State-run nurseries, particularly those operated by municipalities; and set up a team that was working on creating an action plan to tackle regional disparities.

16. **Mr. Khalfa** (Tunisia) said that a national programme gave direct financial assistance to 235,000 low-income families and provided them with free access to health centres and schooling. Other programmes gave 80,000 families access to medical care at reduced cost, funded micro-projects and provided support to various regions. State funds to support marginalized families had been increased threefold since 2014. An evaluation carried out in 2012 had led to the establishment of an information technology system to identify low-income families and determine the assistance that they needed. The system, which allowed information to be exchanged between ministries, had enabled the situations of 800,000 low-income families to be reviewed, so that the available funds could be spent more effectively. The Ministry of Social Affairs sought to support citizens, particularly those with special needs, by setting up mobile, multidisciplinary units to provide specialized care and services to the homeless and other vulnerable sectors of the population.

17. The approach taken by the Tunisian Government was based on human rights rather than charity and imposed obligations on the social institutions that worked to tackle poverty. To ensure that such obligations were being met, a committee monitored the help given to needy families and surprise inspections of social institutions were carried out.

18. In 2013, an agreement had been signed between the Ministry of Social Affairs and the Arab Institute for Human Rights that focused on human rights, including economic, social and cultural rights. The purpose of the agreement was to build capacity for planning projects with a human rights perspective.

19. **Ms. Bouzouech** (Tunisia) said that the legal framework in place, and notably the decree on the internal operating procedures of hospitals and specialized centres under the Ministry of Public Health, stipulated that health care had to be provided in a non-discriminatory manner. Other measures had been taken to reduce inequality and discrimination against groups and individuals. For example, public policies had been formulated to reduce disparities between regions in the provision of specialized medicine. Breast cancer screening was available to residents in remote areas, and persons with sensory impairments had access to health-care facilities. Accurate health information was disseminated to all citizens. Anonymous HIV/AIDS testing was available in health centres, and curative and preventive health care was provided in schools and universities for all students without discrimination. Measures had also been taken to issue more entitlement cards for no-fee health care. A programme had been launched to guarantee the availability

of health care in 13 priority governorates. The medicines budget for chronic illnesses in front-line facilities had been increased. Building of new hospitals and recruitment of new staff in priority regions had been undertaken. Certain local hospitals had been reclassified as regional hospitals, so that they could provide specialized health services. However, in spite of all the measures outlined, the distribution of health services was still characterized by a degree of inequality that needed to be assessed and rectified.

20. Steps had been taken to tackle corruption in the health-care system. The Ministry had adopted an anti-corruption strategy that complied with international standards. Tunisia had joined the Good Governance for Medicines programme of the World Health Organization (WHO). Health officials had been trained, a national programme had been launched, and an independent team validated by WHO had evaluated the transparency of the national pharmaceutical system and its vulnerability to corruption. The Ministry of Public Health had set up a steering committee and a working group to implement a dynamic, long-term strategy for good governance. Furthermore, it was now compulsory to disclose any potential conflicts of interest or relations between the pharmaceutical industry, stakeholders, health-care professionals and associations of patients.

21. **Ms. Mbarek** (Tunisia) said that the Investment Code, which had been approved by parliament, was part of a structural reform package that aimed to boost economic recovery by creating an attractive environment for businesses in Tunisia. The new Code, drawn up following an in-depth study of the current investment situation, was based on a participatory methodology and took account of the opinions of investors and comparative studies in various countries. A follow-up committee composed of representatives of stakeholders and an advisory committee consisting of representatives of professional associations and civil society had been set up. The aim of the Code was to encourage investment and develop institutions in line with the national development goals for 2015 and 2020. It included a number of safeguards for investors, which inter alia guaranteed equality of treatment for Tunisian and international investors, protected investors against non-trade-related risks and stipulated the need to respect intellectual and industrial property. However, investors were also obliged to respect Tunisian regulations, particularly those concerning labour, social security, competition, consumer protection and the environment. In addition, they were required to provide all the information needed to implement the Code and to ensure that all information related to their investments was accurate.

22. **Mr. Khalfa** (Tunisia) said that the right to join a trade union had been enshrined in the Constitution by the country's ratification of a number of key conventions of the International Labour Organization (ILO), including the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). In order to create a trade union, it was not necessary to seek the permission of the authorities; however, they had to be informed of the intention to set up the union and presented with a list of its senior officials. A number of trade unions or associations, for both workers and employers, had emerged in Tunisia since the revolution. In line with ILO recommendations, efforts were being made to encourage unregulated businesses and workers to join the formal economy. Labour inspectors were keen to implement labour regulations, as unregulated work was not permissible under the Labour Code.

23. **Ms. Sebai** (Tunisia) said that customary marriage had been criminalized because it had led to polygamy. In fact, any marriage that breached the regulations had been prohibited since 1957. Under the Criminal Code, abortion could be carried out by a doctor, in a licensed health centre or hospital, during the first three months of pregnancy. Abortion could also be carried out in other circumstances if the life, health or psychological well-being of the mother was at risk. In such cases, doctors were not able to refuse to carry out an abortion and could face disciplinary proceedings if they did so.

24. Gender equality was enshrined in the Constitution, and a constitutional court had been set up to ensure that men and women were treated equally. In order to safeguard gender equality, a council for equality of opportunities between men and women had been created under a decree which aimed to incorporate a gender-based approach in all planning, budget preparation and evaluation. For the first time in the history of Tunisia, a woman had stood as a candidate in the presidential elections. Other legislation stipulated the need to respect equality considerations when appointing members of the Constitutional Court and selecting candidates for legislative elections. Legislation adopted in 2016 stipulated that a ballot would be cancelled if the number of male and female candidates did not comply with regulations on equality. As a result, the representation of women in parliament had increased sixfold between 1999 and 2014. Tunisian legislation also stipulated that the principle of gender equality should be respected in elections to local and municipal councils. Despite all the measures outlined, efforts still needed to be made to address shortcomings in gender equality and, to that end, a national committee had been set up to identify and amend discriminatory laws.

25. **Ms. Mbarek** (Tunisia) said that Law No. 35 of 1994 had established the framework for the protection of historical sites, while Decree No. 1909 of July 1993 had provided for the establishment of a national public institution to oversee heritage and archaeological sites. Pursuant to Decree No. 1443 of August 1992, a national map of historical and archaeological sites had been created. The Government had set up the National Heritage Institute, the National Council on Intangible Cultural Heritage and a technical committee to evaluate the protection of cultural heritage, and was also developing programmes to refurbish historical sites and to set up a digital database of them.

26. **Mr. Ben Gharbia** (Tunisia) said that while the majority of Tunisians were Muslim Arabs, all persons were equal before the law, regardless of their faith. The Government was open to dialogue with representatives of the Amazigh minority and wished to safeguard the rights of that population.

27. Tunisia had a proud history regarding the promotion of the rights of women. Efforts to increase women's participation in political life were continuing, and women presently made up 30 per cent of parliamentarians. A bill had been introduced to establish gender parity on municipal councils.

28. The Government recognized that the organization of the education system was not optimal, and that there were regional disparities. In the previous five years, between 30 and 40 per cent of the budget had been earmarked for the education and health sectors. The Government regretted that it had been forced to divert funds from those sectors to increase defence spending to combat terrorism, and hoped to be able to return to its focus on education in the near future.

29. The Government was proud of the compensation fund, which was aimed at providing assistance to vulnerable sectors of the population. The fund's budget had been doubled and emphasis was placed on the quality of assistance, using information from the National Authority for the Protection of Personal Data to target it where it was most needed.

30. A total of 600,000 workers were members of a trade union. The Government worked in partnership with civil society to guarantee Internet access. Polygamy was banned under Personal Status Code.

31. The new Constitution, which had been drawn up in 2014, had been based on a dialogue with all stakeholders in society. Tunisia was a republic, and laws were promulgated based on the will of the people. Sharia law was not used as a basis for national legislation.

32. **Mr. Uprimny** welcomed the delegation's recognition of the inequalities present in the education system. He wished to know what efforts the Government was making to examine the situation of the Amazigh minority and how it intended to determine the size of that population.

33. **Mr. Abdel-Moneim** said that the report which was under consideration should have been submitted in 2000 and covered two reporting periods. He noted that some of the issues raised in the concluding observations on the State party's previous report in 1999 (E/C.12/1/Add.36) had been reasons for the revolution that the country had experienced.

34. **Mr. Kerdoun**, noting the findings of the report of the Special Rapporteur on the right to education, said that the high repetition and dropout rates remained a concern in higher education. He wished to know what urgent measures the Government intended to take to improve the quality of higher education and better prepare students for entry into the labour market. Noting the low numbers of students attending private universities, he asked whether the fees at those establishments were affordable only for the most well-to-do families, and whether the general population lacked confidence in the private education sector.

35. **Mr. Pillay** asked whether the Government intended to adopt a national plan on the reduction of poverty, including indicators, timelines and monitoring mechanisms. What measures had it planned to tackle the disparities in the rates of poverty, that disproportionately affected the central, western and southern regions of the country? Would the planned abolition of agricultural subsidies have an adverse impact on poor people? Would food security be undermined by the liberalization of agricultural trade with the EU and the new investment regulations allowing foreigners to acquire agricultural land in Tunisia? He also wished to know how many social housing units had been built since the introduction of the housing scheme in 2012. Did people living in informal settlements have security of tenure? Was there any legislation in place governing forced evictions, and did it comply with international human rights law and general comment No. 7 on the right to adequate housing (article 11 (1) of the Covenant): Forced evictions? Lastly, he asked whether prior consultation took place before evictions, and to what extent homelessness was a problem in the State party.

36. **Ms. Bras Gomes** said that Tunisia should be proud of its record in terms of women's rights, but it was because of that record that the Committee's expectations were higher. She expressed concern at the statement in paragraph 92 of the replies to the list of issues that it was a "widespread phenomenon in the employment world that there is a significant drop in a woman's productivity after she gets married, after the birth of the first child and, even more so, after successive births", as though it were the woman's fault that she became unproductive in the labour market after having children. Women often faced difficulties because the State did not have policies in place to support them in reconciling work and family life. She invited the delegation to comment on what the Government could do to reverse that state of affairs. The social protection floor discussion represented an important opportunity for the Government to maintain the creative energy and involvement of the people in the post-revolution period. She would be interested to hear the delegation's views on that matter.

37. **Mr. De Schutter** (Country Rapporteur) expressed concern about the lack of social protection for persons in the informal sector and asked what could be done to ensure such protection while the transition to the formal economy was in process. While acknowledging that the labour inspectorate did not have a mandate to work in the informal sector, he stressed that responsibility must be taken at some level to ensure compliance with regulations on the protection of workers. He welcomed the new legislation on violence against women but requested clarification of whether article 239 of the Criminal Code, which provided that a rapist could avoid prosecution if he married the victim, was still in

force. He wished to know which legislation criminalized marital rape. With regard to health care, he asked what measures the Government planned to take to make access to medicines more affordable for low-income households, many of which were forced to go to expensive private clinics because of a shortage of drugs in public facilities. Concerning efforts to combat corruption in the health system, he wondered whether there was any intention to draft a patient's charter, clearly informing patients of their rights, including the right to lodge a complaint in the event that they were offered medical services in exchange for a bribe.

*The meeting was suspended at 12.15 p.m. and resumed at 12.30 p.m.*

38. **Ms. Mbarek** (Tunisia) said that, under the new Investment Code, Tunisian companies were permitted to own agricultural land in order to invest in agricultural companies. Foreign companies could not own land, even in the context of company liquidation.

39. **Ms. Sebai** (Tunisia) said that article 239 of the Criminal Code had been abolished in the light of article 41 of the new law on combating violence against women, which was currently under discussion by the parliament. With respect to marital rape, sexual violence of any kind was considered to be violence against women, regardless of the perpetrator's relationship to the victim. General provisions on rape could thus also be applied to marital rape, as it came under the definition of sexual violence.

40. **Mr. Khalfa** (Tunisia) said that the national programme of assistance for needy families, which had been developed in 1986, was regularly reviewed. A draft resolution on social security networks had been prepared, covering all social programmes for persons with disabilities and disadvantaged groups. Civil society and other stakeholders were included in consultations on social policies and all such programmes. A committee for social security, made up of representatives of the Government, employers and workers, was charged with drafting social reforms related to social welfare and social security.

41. The informal economy had expanded significantly following the revolution, owing in part to the low rate of economic growth and the low level of education of workers. Regrettably, there were no official statistics on the number of workers in that sector. The fact that labour inspectors did not have a mandate to conduct inspections in the informal sector did not mean that there was no government oversight of the sector, particularly when it came to health and safety and child labour. Workers in the informal sector were generally from low-income families, and they enjoyed health and social coverage under the programme for such families. Through tax incentives and social measures, the State was encouraging those workers to join the social security system, and awareness-raising campaigns were being conducted to that end. A large number of older persons received regular benefits under the programme of support for low-income families, while others received benefits for persons who had retired yet were not eligible for a retirement pension.

42. With respect to the cost of medicines, a health insurance system had been introduced in 2004, covering the family doctor system, the government-funded health system and private health care. The Constitution stipulated that low-income families were entitled to free treatment. One third of the Tunisian population — from a range of categories — was entitled to free or subsidized medicines. There was a social mechanism to provide shelter and to cater to the needs of homeless persons.

43. **Ms. Bouzouech** (Tunisia) said that the statistics requested would be provided in writing. The legal and administrative difficulties related to housing that she had mentioned earlier could be grouped in three categories: those linked to complex administrative procedures, to the length of public procurement procedures, and, in particular, to land issues connected with the sites on which housing was to be constructed. With regard to complaints of corruption in the health sector, Tunisia had a comprehensive anti-corruption system,

including one government and one independent mechanism. There were good governance units in all ministries, including the Ministry of Public Health, which automatically dealt with any complaints lodged. There was also a new constitutional anti-corruption authority, to which citizens could submit complaints for in-depth investigation and referral to the courts.

44. **Mr. El Dine Haj** (Tunisia), responding to the question on the number of students in public and private education, said that fees in the private sector were in fact very reasonable. Because of the limited number of places in public institutions, particularly for in-demand specializations with good employment prospects, many well-off and middle-income students opted to study at private institutions. With regard to measures to ensure the quality of education, incentive packages had been adopted to foster partnership between university academics and business professionals.

45. **Mr. Ben Gharbia** (Tunisia) said that the Tunisian General Labour Union had 760,000 members. Ensuring oversight of the informal sector was a problem, but given its size, efforts would be made to do so and to develop mechanisms to ensure that informal workers were covered by social security. The Government acknowledged that much more remained to be done in relation to the status of women. Efforts would be made in cooperation with the Ministry for Women, Family, Children and the Elderly to find solutions to support women in maintaining productivity after they had children. There was a need for attitudinal change in that regard. Under Tunisian law, taking care of children was a joint responsibility of both husband and wife.

46. He thanked the Committee for its support; all of the comments made would be taken into consideration, in order to make further progress in the areas of economic, social and cultural rights. The new Constitution ensured all rights in those areas; it was now a question of adopting the necessary legal framework, in line both with the Constitution and with the international instruments to which Tunisia was a party. The Constitutional Court would be operational within the following two months. There was a strong political will and a desire among all stakeholders, including civil society, to work in a participatory manner to implement the economic, social and cultural rights that had sparked the revolution. However, it was necessary to bear in mind the budgetary, political and social constraints faced, which would require the development of smart solutions. Recalling that the Arab Spring had begun in Tunisia, he expressed the hope that the success of the Tunisian experience of democratic transition would also serve as an example to other countries in the region.

47. **Mr. De Schutter** thanked the delegation for the quality of the dialogue. He welcomed the fact that the new Government planned to pursue the reforms that had begun before it took power, and noted with satisfaction that many of the bills pending before the Assembly of the Representatives of the People were headed in the right direction. There were major expectations among Tunisian society in the areas covered by the Covenant; after all, the starting point for the revolution had been related to social rights, particularly employment. The demonstrations held earlier that year in Tunisia highlighted the urgency of carrying out reforms in that area. The Committee would follow the implementation of its recommendations with great interest.

48. **The Chair** thanked the delegation for the fruitful dialogue.

*The meeting rose at 1 p.m.*